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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/425,992	10/21/1999	KEVIN R. MEIER	SPTV-01038US	1267
28554	7590	01/27/2005	EXAMINER	
VIERRA MAGEN MARCUS HARMON & DENIRO LLP 685 MARKET STREET, SUITE 540 SAN FRANCISCO, CA 94105			NGUYEN, PHU K	
			ART UNIT	PAPER NUMBER
			2671	

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/425,992

Applicant(s)

MEIER ET AL.

Examiner

Phu K. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-142 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33-52, 56-78 and 85-97 is/are allowed.
- 6) ☒ Claim(s) 11-14, 16, 29, 32, 53, 54, 79, 83, 84, 98-104, 112-115, 124, 125, 130-134, 140 and 141 is/are rejected.
- 7) ☒ Claim(s) 15, 17-28, 30, 31, 55-78, 80-82, 85-97, 105-111, 116-123, 126-129, 135-139 and 142 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Phu K. Nguyen
PHU K. NGUYEN
PRIMARY EXAMINER
GROUP 2400

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 11-14, 16, 29, 32, 53, 54, 79, 83, 84, 98-104, 112-115, 124, 125, 130-134, 140, 141 are rejected under 35 U.S.C. 102(e) as being anticipated by HEIDMANN et al. (6,057,833).

As per claim 11, Heidmann teaches the claimed "method for annotating video" comprising:

"receiving video, said video depicts a surface at a live event" (Heidmann, the broadcast image from a play field; column 12, lines 43-45);

"receiving a graphic manually created by a human operator during said live event" (Heidmann, X, O objects; column 12, lines 38-42; or the drawing in column 5, lines 4-8); and

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“blending said graphic with said video such that said graphic appears to be drawn on said surface, said step of blending being performed during said live event” (Heidmann, column 13, lines 2-6; column 4, lines 9-15; column 6, line 65 to column 7, line 1).

Claim 12 adds into claim 11 “said graphic includes a curve” (Heidmann, column 4, lines 59-67; a curve arrow 218 or the freehand drawing icon 220).

Claim 13 adds into claim 11 “receiving a curve drawn on a touch screen” (Heidmann, the input device 140 is a touch screen; column 4, line 22).

Claim 14 adds into claim 11 “determining a set of blending values and transmitting said blending values to a keyer” which Heidmann teaches in the mixing video images with the blending values corresponding to the opaque, partially transparent, or completely transparent (column 6, line 65 to column 7, line 1).

Claim 16 adds into claim 11 “receiving 2D position information for said graphic created in relation to a two dimensional image” (Heidmann, column 8, lines 54-63).

Claim 29 adds into claim 11 “smoothing said graphic prior to said step of blending, said graphic is a drawing” (Heidmann, column 6, line 56 to column 7, line 1).

Claim 32 adds into claim 11 “adding said graphic to a first and second video images at the corresponding first and second positions, wherein the first and second positions correspond to the positions of said image in the video images” which Heidmann teaches in the object X with its moving positions in the video image (Heidmann, figures 10a-10b).

As per claim 53, Heidmann teaches the claimed "method for annotating video" comprising:

"receiving video, said video depicts a surface at a live event" (Heidmann, the broadcast image from a play field; column 12, lines 43-45);

"receiving a graphic manually created by a human operator during said live event" (Heidmann, X, O objects; column 12, lines 38-42; or the drawing in column 5, lines 4-8);

"smoothing said drawing" (Heidmann, column 6, lines 56-59); and

"blending said smoothed drawing with said video during said live event" (Heidmann, column 6, line 65 to column 7, line 1).

Claim 54 adds into claim 53 "thickening said drawing" which Heidmann teaches in column 7, lines 9-15).

As per claim 79, Heidmann teaches the claimed "apparatus" comprising:

"one or more processors" (Heidmann, processing unit 100, figure 1);

"a drawing device in communication with said one or more processors" (Heidmann, input device 140);

"an output device in communication with said one or more processors" (Heidmann, video output 150);

"at least one storage device in communication with said one or more processors" (memory units 130, 110, 120); the processors performing the steps of:

"receiving video, said video depicts a surface at a live event" (Heidmann, the broadcast image from a play field; column 12, lines 43-45);

“receiving a graphic manually created by a human operator during said live event” (Heidmann, X, O objects; column 12, lines 38-42; or the drawing in column 5, lines 4-8); and

“causing a blending said graphic with said video such that said graphic appears to be drawn on said surface, said step of blending being performed during said live event” (Heidmann, column 6, line 65 to column 7, line 1; column 4, lines 9-15).

Claim 83 adds into claim 79 “smoothing said graphic prior to said step of blending, said graphic is a drawing” (Heidmann, column 6, line 56 to column 7, line 1).

Claim 84 adds into claim 79 “adding said graphic to a first and second video images at the corresponding first and second positions, wherein the first and second positions correspond to the positions of said image in the video images” which Heidmann teaches in the object X with its moving positions in the video image (Heidmann, figures 10a-10b).

As per claim 98, Heidmann teaches the claimed “apparatus” comprising:

“one or more processors” (Heidmann, processing unit 100, figure 1);

“a drawing device in communication with said one or more processors”
(Heidmann, input device 140);

“an output device in communication with said one or more processors”
(Heidmann, video output 150);

“at least one storage device in communication with said one or more processors”
(memory units 130, 110, 120); the processors performing the steps of:

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“receiving video, said video depicts a surface at a live event” (Heidmann, the broadcast image from a play field; column 12, lines 43-45);

“receiving a graphic manually created by a human operator during said live event” (Heidmann, X, O objects; column 12, lines 38-42; or the drawing in column 5, lines 4-8);

“smoothing said drawing” (Heidmann, column 6, lines 56-59); and

“blending said smoothed drawing with said video during said live event” (Heidmann, column 6, line 65 to column 7, line 1).

Claim 99 adds into claim 98 “thickening said drawing” which Heidmann teaches in column 7, lines 9-15).

As per claim 100, Heidmann teaches the claimed “method for annotating video” comprising:

“receiving video, said video depicts a surface at a live event” (Heidmann, the broadcast image from a play field; column 12, lines 43-45);

“manually adding a graphic to said video during said live event” (Heidmann, X, O objects; column 12, lines 38-42; or the drawing in column 5, lines 4-8); and

“maintaining said graphic in said video such that said graphic appears to be drawn on said surface” (Heidmann, column 13, lines 2-6; column 4, lines 9-15; column 6, line 65 to column 7, line 1).

Claim 101 adds into claim 100 “said steps of adding and maintaining are performed without using image recognition” which Heidmann teaches in column 6, lines 15-65.

Claim 102 adds into claim 100 "receiving a curve drawn by a human operator and blending said curve with said video" (Heidmann, column 6, line 56 to col. 7, line 1).

Claim 103 adds into claim 100 "adding a pre-determined image into said video" (Heidmann, the animation figures; column 5, lines 3-12).

Claim 104 adds into claim 103 "said pre-defined image includes a circle" which Heidmann teaches in the object O (figure 10B).

Claim 112 adds into claim 103 "adding said graphic to a first and second video images at the corresponding first and second positions, wherein the first and second positions correspond to the positions of said image in the video images" which Heidmann teaches in the object X with its moving positions in the video image (Heidmann, figures 10a-10b).

Claim 113 adds into claim 103 "said steps of adding and maintaining are performed without using image recognition" which Heidmann teaches in column 6, lines 15-65.

As per claim 114, Heidmann teaches the claimed "apparatus for annotating video" comprising:

"a storage medium" (Heidmann, the memories 130, 110, 120); and

"one or more processor in communication with said storage medium" (Heidmann, the processor unit 100, figure 1) performing the steps of:

"receiving video, said video depicts a surface at a live event" (Heidmann, the broadcast image from a play field; column 12, lines 43-45);

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“manually adding a graphic to said video during said live event” (Heidmann, X, O objects; column 12, lines 38-42; or the drawing in column 5, lines 4-8); and

“maintaining said graphic in said video such that said graphic appears to be drawn on said surface” (Heidmann, column 13, lines 2-6; column 4, lines 9-15; column 6, line 65 to column 7, line 1).

Claim 115 adds into claim 114 “adding a pre-determined image into said video” (Heidmann, the animation figures; column 5, lines 3-12).

As per claim 124, Heidmann teaches the claimed “one or processor” (Heidmann, the processor unit 100, figure 1) “readable storage devices” (Heidmann, the memories 130, 110, 120) for programing one or more processors to perform the steps of:

“receiving video, said video depicts a surface at a live event” (Heidmann, the broadcast image from a play field; column 12, lines 43-45);

“manually adding a graphic to said video during said live event” (Heidmann, X, O objects; column 12, lines 38-42; or the drawing in column 5, lines 4-8); and

“maintaining said graphic in said video such that said graphic appears to be drawn on said surface” (Heidmann, column 13, lines 2-6; column 4, lines 9-15; column 6, line 65 to column 7, line 1).

Claim 125 adds into claim 124 “adding a pre-determined image into said video” (Heidmann, the animation figures; column 5, lines 3-12).

Claim 130 adds into claim 125 “said pre-defined image is initially added to a first video field” (Heidmann, figure 10A, the object X is initially positioned to the first video field 1000); and “said step of maintaining includes blending said pre-defined image with

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a second video field later in time than said first video field" (Heidmann, figure 10A, the object X is later moving to the second video field 1002).

Claim 131 adds into claim 125 "said pre-defined image is initially added to a first video field from a first camera" (Heidmann, figure 10A, the object X is initially positioned to the first video field of a perspective view); and "said step of maintaining includes blending said pre-defined image with a second video field from a second camera" (Heidmann, figure 10B, the object X is later displayed to the second video field according to the second camera).

Claim 132 adds into claim 125 "adding said graphic to a first and second video images at the corresponding first and second positions, wherein the first and second positions correspond to the positions of said image in the video images" which Heidmann teaches in the object X with its moving positions in the video image (Heidmann, figures 10a-10b).

Claim 133 adds into claim 125 "said step of maintaining is performed without using image recognition" which Heidmann teaches in column 6, lines 15-65.

Claim 134 adds into claim 124 "adding a drawing into said video, said drawing is manually drawn" (Heidmann, column 5, lines 58-62).

Claim 140 adds into claim 1134 "said step of maintaining is performed without using image recognition" which Heidmann teaches in column 6, lines 15-65.

Claim 141 adds into claim 134 "said drawing is a curve" (Heidmann, column 11, lines 12-15) and "smoothing said curve" (Heidmann, column 11, lines 16-19).

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Claims 15, 17-28, 30-31, 55, 80-82, 105-111, 116-123, 126-129, 135-139, and 142 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 33-52, 56-68, 69-78, 85-91, 92-97 are allowed.

Due to new ground of the rejection cited above, this action has been made NON-FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (703)305 - 9796. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman can be reached on (703)305-9798. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phu K. Nguyen
January 20, 2005

Phu K. Nguyen
PHU K. NGUYEN
PRIMARY EXAMINER
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